

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Laura Brown	Team: Team # 2	CCRB Case #: 200608857	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/05/2006 1:40 PM	Location of Incident: Mobil Gas station on 165-01 Hillside Ave.	Precinct: 103	18 Mo. SOL 1/5/2008	EO SOL 1/5/2008	
Date/Time CV Reported Thu, 07/06/2006 10:14 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/06/2006 10:14 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Courtney Nilan	24511	935402	103 PCT
2. LT Jason Lizio	00000	919311	103 PCT
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Marc Richardson	21396	935590	103 PCT
2. POM Richard Muller	08702	902071	103 PCT
3. SGT Michael Arenella	00146	923424	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.POF Courtney Nilan	Abuse: Officer Courtney Nilan stopped the car in which § 87(2)(b) was an occupant.	
B.POF Courtney Nilan	Abuse: Officer Courtney Nilan refused to provide her name and shield number to § 87(2)(b)	
C.POF Courtney Nilan	Abuse: Officer Courtney Nilan seized § 87(2)(b) s property.	
D.LT Jason Lizio	Abuse: Lieutenant Jason Lizio did not process § 87(2)(b) s complaint regarding an officer.	
E. An officer	Abuse: An officer did not process § 87(2)(b) s complaint regarding an officer.	
F. An officer	Abuse: An officer refused to provide his name and shield number to § 87(2)(b)	

Synopsis

At 1:40 PM on July 5, 2006, § 87(2)(b) pulled up to a gas pump at a Mobil gas station located at 165 Hillside Avenue in Queens. As § 87(2)(b) exited her vehicle, Officers Courtney Nilan (identified by § 87(2)(b)'s memory of the officer's nameplate and the summons) and Marc Richardson (identified by the CCRB investigation) exited their RMP. Officer Nilan told § 87(2)(b) not to exit her vehicle (allegation A), and § 87(2)(b) began arguing with her. Officer Nilan told § 87(2)(b) she had been driving while speaking on a mobile phone and not wearing a seatbelt. § 87(2)(b) maintained that she was using a hands-free device and had been wearing her seatbelt until she had taken it off to exit her vehicle. § 87(2)(b) asked Officer Nilan for her name and shield number (allegation B), but Officer Nilan stated it would be on the summons. Officer Nilan asked § 87(2)(b) for her identification, and § 87(2)(b) provided her driver's license. Officer Nilan noticed § 87(2)(b)'s Patrolmen's Benevolent Association (PBA) card and asked § 87(2)(b) for it. Officer Nilan took the cards back to her vehicle, called the officer listed on the back of the PBA card, and returned to § 87(2)(b)'s vehicle, telling her that the officer on the card did not know her. Officer Nilan issued § 87(2)(b) a summons for § 87(2)(b). Officer Nilan then returned to her vehicle. § 87(2)(b) realized that she had not received her license or PBA card back, so she approached the RMP. Officer Nilan returned the license but would not return the PBA card because it was "police property" (allegation C). § 87(2)(b) then drove to the 103rd Precinct to file a complaint against Officer Nilan. While there, Lieutenant Lizio, identified by § 87(2)(b) and the investigation, told § 87(2)(b) that she would have to wait. § 87(2)(b) became upset with this officer when a second officer, Sergeant Arenella (identified by the investigation) replaced Lieutenant Lizio at the desk and told § 87(2)(b) that Lieutenant Lizio had not "done anything with the complaint" (allegation D). Sergeant Arenella directed a "captain's" boss to come down and speak with her. This officer, PO5, was in plainclothes, and § 87(2)(b) asked him for his name and shield number when he would not process her complaint against Lieutenant Lizio (allegation E). PO5 told § 87(2)(b) that she did not need it (allegation F).

§ 87(2)(g)

Summary of Complaint

On July 24, 2006, § 87(2)(b) appeared at the CCRB for an interview (encl. 6a-c). § 87(2)(b) came in to the CCRB a second time to view photo arrays on January 22, 2007 (encl. 10a-c). § 87(2)(g)

On July 5, 2006, at approximately 1:40pm, § 87(2)(b) pulled into a Mobil gas station at 165 Hillside Avenue in Queens. She had pulled in to get gasoline, and as she got out of her car, an officer told her not to exit the vehicle. § 87(2)(b) noted that she had seen a police car with its lights flashing stopping another car earlier while she was driving near 175th Street. § 87(2)(b) stated she had noticed the police car behind her with its lights flashing about a block before she pulled into the Mobil station. Two officers exited the vehicle, one male and one female. The female officer talked to § 87(2)(b) through her open driver's side window while the other officer stood near the front passenger side of the vehicle. § 87(2)(b) asked why she could not exit the vehicle, and the female officer, whom § 87(2)(b) would later identify as Officer Nilan via the summons and her nameplate, told § 87(2)(b) she had been driving while talking on the phone. § 87(2)(b) described this officer as a blond, white female, 5'3", 130 pounds, and in uniform. § 87(2)(b) observed the other officer to be a black male, 5'6", and 150 pounds. This second officer, PO2, initially approached the car with Officer Nilan, but did not stay beyond their initial conversation. § 87(2)(b) did not speak with the PO2 at any point.

Officer Nilan told § 87(2)(b) she had been following her Honda from 175th Street and had seen § 87(2)(b) talking on her mobile phone. § 87(2)(b) told the CCRB that she had never put the phone to her ear while driving that day. When § 87(2)(b) showed her the hands-free earpiece in her right ear (which she had been

using to talk to her uncle, Ray), Officer Nilan said she was driving without a seatbelt. § 87(2)(b) did not recall what she had been wearing that day but said her seatbelt was gray. She also stated that she had been wearing her seatbelt during the entire drive. § 87(2)(b) explained to Officer Nilan that she only took off her seatbelt as she was exiting her black 2006 Honda CRV to get gas, and thus she could not wear her seatbelt and get gas simultaneously. § 87(2)(b) asked for Officer Nilan's name and shield number at this point, and Officer Nilan replied that everything would be on the summons. After asking for § 87(2)(b)'s license and PBA card, Officer Nilan returned to her RMP. When she again approached § 87(2)(b)'s vehicle, Officer Nilan told § 87(2)(b) that the officer on the PBA card did not know her. § 87(2)(b) provided the name and address of her husband, § 87(2)(b) who had been given the card by Officer § 87(2)(b). § 87(2)(b) had previously stated in her initial contact with the CCRB that the officer's name was § 87(2)(b). § 87(2)(b) described her PBA card as grayish-blue with a police shield on the front and either the precinct number or the officer's shield number on it. § 87(2)(b) stated that the back also had the officer's signed name and nothing written in the "Issued to" line. After Officer Nilan asked § 87(2)(b) the questions about the card's origins, she walked to her RMP and returned with a summons for § 87(2)(b). § 87(2)(b) stated her § 87(2)(b)-old son, § 87(2)(b) had been seat-belted in the backseat. After Officer Nilan walked to the RMP to leave, § 87(2)(b) noticed she had not received her license or PBA card back. She grabbed paper and pen and approached the RMP. Officer Nilan began backing to leave, but halted when § 87(2)(b) asked her to give her back her license and PBA card. § 87(2)(b) again asked for Officer Nilan's name, but she said, "No, you don't need it." Officer Nilan would not return the PBA card because it was "police property," but did return the driver's license. § 87(2)(b) wrote down the badge number of Officer Nilan at this point.

At about 6pm that evening, § 87(2)(b) went to the 103rd Precinct to file a complaint. She was given a form by an officer (PO3), which she filled out and returned and then waited 5 hours. When the shift changed, PO3 told her that it had to be typed up and that someone from the next shift would do that. The next shift officer (PO4) told her that the previous shift officer had not "done anything with the complaint." § 87(2)(b) then called her attorney, and the officer asked her to whom she was speaking. § 87(2)(b) told PO4 and then asked to make a complaint on PO3, the "captain" who had not done anything with the report. PO4 told her that the "captain's" boss would be down to speak with her shortly. An officer came down later to speak with her in front of the desk. She described this officer (PO5) as male, 5'5", stocky, and Hispanic. She stated he wore a dark blue T-shirt and dark blue "police pants." She stated he did not have a shield displayed. When § 87(2)(b)'s phone rang, PO5 told her to answer it and "see how far it will go." She asked this officer for his name and badge number, and he told her she did "not need it." § 87(2)(b) told the CCRB that she pleaded not guilty to having § 87(2)(b) the violation on her summons. § 87(2)(b) stated the summons was dismissed.

On January 22, 2007, § 87(2)(b) appeared at the CCRB to view photo arrays (encl. 10a-11y). She was shown 24 photos in four arrays. § 87(2)(b) recognized photos 1 and 3 from photo array number 1. Both of these were filler photos. § 87(2)(b) did not recognize Lieutenant Jason Lizio, officer number 4 from array 1. When asked to describe her interactions with the officers she identified, § 87(2)(b) provided the following information.

Officer 3 from photo array 1 told § 87(2)(b) to sit down, and he would have someone come out and take her complaint (PO3). § 87(2)(b) stated she then sat there for 2 hours before shift change, when another officer (PO4), officer 1 from photo array 1, came over and told her he was going to make sure her complaint was taken. This officer directed another officer to bring § 87(2)(b) the paperwork, which § 87(2)(b) stated was then done by an officer she could not identify. § 87(2)(b) returned the completed paperwork to this officer as well.

§ 87(2)(g) In a follow-up call to her incomplete call processing system message, § 87(2)(b) provided Lieutenant Lizio's name. § 87(2)(b) also stated that she had asked him for it. § 87(2)(b) did not say that he would not provide his name. § 87(2)(b) mentioned no other officers in her initial conversations with CCRB investigators, but added allegations against one officer, PO5, and provided a witness officer, PO4.

During her photo array, § 87(2)(b) was asked if there were any other officers with whom she interacted but were not included in the array. § 87(2)(b) stated that there was one plainclothes officer (PO5). § 87(2)(b) approached this officer because she was upset that the first officer had not told her why she had to wait and had not explained that the precinct was busy. The plainclothes officer told her he “couldn’t write him up,” and then § 87(2)(b) asked the officer for his name. The officer replied, “You don’t need that.” § 87(2)(b) then wrote down the “800 number on the board” and said, “Well, I [will] go further with it.” The officer said, “Is that a threat to me?” § 87(2)(b) replied, “Take it however you want.” The officer told her she could not be in there threatening him and that he would arrest her. § 87(2)(b) said, “Go ahead,” and walked out of the stationhouse. In her previous two calls to the CCRB and her sworn statement, § 87(2)(b) had never mentioned this officer threatened her with arrest. § 87(2)(b) stated that at some point during their interaction the officer had given her the final, typewritten copy of her complaint.

Results of Investigation

Officer Courtney Nilan

Officer Courtney Nilan was interviewed at the CCRB on August 21, 2006 (encl. 12a-f). She provided the following narrative.

Officer Nilan worked from 1030 to 1905 hours on July 5, 2006. She was working Traffic Safety for the 103rd Precinct with Officer Richardson in uniform and RMP 4456. Officer Nilan had the following entries in her memo book regarding this incident:

1330 Car stop, Hillside and Merrick. § 87(2)(b) 96.

On July 5, 2006, Officer Nilan was driving RMP 4456 westbound on Hillside Avenue at 168th Place in Queens. Officer Nilan noticed a minivan driving next to her with an unrestrained male child in the backseat. “Running around from seat to seat. It was clearly obvious he did not have a seatbelt on.” Officer Nilan estimated she observed the child for 5 seconds. She did not know if her partner, Officer Richardson, in the passenger seat had noticed the child as well. Officer Nilan moved behind the minivan and turned on the vehicle’s turret lights. A few seconds later, the minivan drove into a gas station a block down the street. Officer Nilan did not recall where § 87(2)(b)’s vehicle was parked.

Officer Nilan and Officer Richardson parked and approached the vehicle. § 87(2)(b) was seated in the car, and Officer Nilan walked to the driver’s side window as Officer Richardson approached the passenger side. Officer Nilan did not recall how close she was standing to the vehicle. Officer Nilan did not notice if § 87(2)(b) was wearing her seatbelt or if § 87(2)(b) was talking on her cellular phone. Officer Nilan told § 87(2)(b) there was a child in the back who was not “seat belted in”. She then asked for § 87(2)(b)’s license, insurance, and registration. Officer Nilan did not recall if or what § 87(2)(b) may have said in response. § 87(2)(b) provided the requested information as well as a 2006 black and orange PBA card. The PBA card was of the “generic” form, that is, without an officer’s shield number on the front. Officer Nilan also noted that the card’s “issue line” was left blank. The card did note that the officer who issued the card was from the 103rd Precinct, and had the name of Officer “Rich Muller” written in (not signed) as the issuing officer.

Officer Nilan took § 87(2)(b)’s information back to her vehicle, where she called Officer Muller. Officer Nilan asked Officer Muller if he had issued the card to § 87(2)(b) and he said he had “no idea who this woman is and did not issue the card to [her].” Officer Nilan left her phone in the car with Officer Muller still on the line and walked back to § 87(2)(b). Officer Nilan asked § 87(2)(b) who had given her the card, and § 87(2)(b) kept repeating, “Someone named § 87(2)(b).” Officer Nilan returned to her vehicle, told Officer Muller what § 87(2)(b) had said, and he replied, “I did not issue that card. I did not okay anyone to issue that card. It’s not her card; it’s mine. Take it back.” Officer Nilan again returned to § 87(2)(b)’s vehicle, telling § 87(2)(b) that “this man has no idea who you are. Your name is not on this card. The owner of this card in no way gave you permission to have this card.” Officer Nilan returned to her RMP, filled out the summons for an unrestrained minor, and walked back to § 87(2)(b)’s vehicle. Officer Nilan

returned the registration, insurance, and license but did not return the PBA card. Officer Nilan returned to her vehicle and resumed patrol.

Officer Nilan “immediately notified [her] PBA delegate and gave him the card.” Officer Nilan believed the delegate, Officer Patrick Hendry, then “gave it to the PBA, telling them the whole situation.” When Counsel Richard Barrett asked Officer Nilan, “In your conversations with Officer Muller, did you become aware that there’s been a problem with people misusing his name and using his PBA card?” Officer Nilan replied, “Yes...over the years there’s been problems because the PBA card which this woman produced...did not have a shield number.” When asked if the 103rd Precinct has been investigating this problem, Officer Nilan said that both she and the PBA delegate had informed the Precinct of the use of Officer Muller’s PBA card. When shown a PBA card by the investigator, Officer Nilan said the card was similar except that where a shield number was present on the card presented to the CCRB, § 87(2)(b) s card had the letters “PBA” instead of numbers. On the back, “Rich Muller” was written in the “issued by” line but not signed. The card presented by the CCRB and § 87(2)(b) s PBA card both had “Property of the NYC PBA” typed on the back of the card. Counsel Barrett asked Officer Nilan, “Did you rely on that when you took the PBA card and handed it over to your delegate?” Officer Nilan replied, “Yes.” When the CCRB asked § 87(2)(b) why she had seized the PBA card, Officer Nilan stated, “[It was not the] property of this woman. It did not belong to her. Her name was not on it. Clearly you must identify on it who you are giving it to. It’s issued by, colon, and a line to write [the issuing officer’s name], and her name was not on it.” At the time, Officer Nilan said that the PBA card being stolen or lost property “is one of the things that ran through my head.”

When asked by the CCRB about any training she had received regarding the treatment of PBA cards, Officer Nilan stated she had none. Officer Nilan said that she had been working at the NYPD for two years and two months, seven months of which were traffic-related assignments. While an officer, Officer Nilan said she had not previously encountered a situation with a PBA card.

When Officer Nilan was asked if § 87(2)(b) requested Officer Nilan’s name and badge number, Officer Nilan replied that she had. Officer Nilan verbally supplied the information and showed § 87(2)(b) where her name and badge number were also written on the summons. When asked at what point § 87(2)(b) had requested her name and shield number, Officer Nilan stated, “somewhere in the middle.” Officer Nilan did not recall § 87(2)(b) getting out of her vehicle at any point. Officer Nilan stated there was no conversation between herself and § 87(2)(b) after Officer Nilan returned § 87(2)(b) s license, insurance, and registration papers.

Officer Marc Richardson

Officer Marc Richardson was interviewed at the CCRB on October 20th 2006 (encl. 16a-c).

Officer Richardson stated that on July 5th 2006, he had worked a tour with Officer Nilan of 11:30 to 20:05 hours. Officer Richardson noted that Officer Nilan was not his usual partner, and he did not typically have a partner. Officer Richardson was in uniform and assigned to a marked patrol car, RMP #1309. He had no entries in his memo book regarding this incident.

Officer Richardson stated that on July 5th 2006, he was with Officer Nilan, who operated the vehicle. They were traveling on Hillside Avenue when Officer Nilan decided to stop a vehicle for a traffic violation. Officer Richardson did not notice § 87(2)(b) until after Officer Nilan had stopped her vehicle. Officer Richardson noted this was due to the fact that he was the recorder. Officer Nilan used the lights to pull over § 87(2)(b). Officer Richardson states it took “3-4 minutes” and § 87(2)(b) “traveled over 1,000 feet” before pulling into a Mobil gas station. Officer Richardson did not recall the actual spot within the station where § 87(2)(b) brought her car to a stop, but he did recall that § 87(2)(b) made a right turn into the gas station. He also could not recall why Officer Nilan had pulled over § 87(2)(b) s vehicle.

Officer Richardson exited the patrol car and approached § 87(2)(b) s passenger side. Officer Richardson did not recall if there were any passengers in § 87(2)(b) s vehicle. Also, Officer Richardson did not

remember seeing § 87(2)(b)'s unrestrained § 87(2)(b)-old son in the backseat or if § 87(2)(b) was using a hands-free device with her mobile phone.

Officer Nilan had exited and approached § 87(2)(b)'s driver side at the same time as Officer Richardson had exited. Officer Richardson did not hear the conversation between Officer Nilan and § 87(2)(b). Officer Richardson stated that he did not hear anything regarding the conversation between Officer Nilan and § 87(2)(b) but, if yelling took place, he would have heard it. When asked to describe § 87(2)(b)'s behavior, he explained, "I couldn't. I am there to visually look at the motorist for safety." Officer Richardson did not observe any "alarming" behaviors from § 87(2)(b). He did note her behavior was "indignant" towards the conclusion of the incident. Officer Richardson remembered Officer Nilan obtaining a PBA card from § 87(2)(b) but he did not remember if she called any officer to confirm if the card belonged to § 87(2)(b).

Officer Richardson noted that he generally tried to verify the authenticity of a PBA card. "If a person can not identify who issued the PBA card, then that card may have been issued fraudulently, and those are things you look for on traffic stops." Officer Richardson also explained that PBA cards may or may not be confiscated. Officer Richardson stated he was not aware of any written police guidelines concerning the use of PBA cards. He did not recall where Officer Nilan was when she wrote the summons, but he believed he returned to § 87(2)(b)'s vehicle at the same time as Officer Nilan. Officer Richardson did not recall § 87(2)(b) approaching the RMP as they were about to leave and asking Officer Nilan for her ID and PBA card back. Officer Richardson did not see § 87(2)(b) at any point after the incident.

Officer Richard Muller

On October 23, 2006, Officer Richard Muller appeared for his interview at the CCRB (encl. 14a-c). He provided the following statement.

Officer Muller was not on duty the day of the incident, July 5, 2006. However, he did remember Officer Courtney Nilan calling him on his mobile phone and asking him about a PBA card. She stated she had made a car stop and was provided a PBA card by the complainant, § 87(2)(b). Officer Nilan asked Officer Muller if he knew § 87(2)(b) and he stated he did not know her and did not give the PBA card to her. Officer Muller was asked by the CCRB if he knew her husband, "§ 87(2)(b) or anyone living at the § 87(2)(b) address, § 87(2)(b) in Queens. He stated he did not. Officer Muller did not tell Officer Nilan to take the card or tell her what to do with it, and Officer Nilan did not indicate what she was going to do with the card. Officer Muller stated he did not hear anything in the background while he was speaking with Officer Nilan, an officer he personally knew.

Officer Muller said that he did not frequently deal with PBA cards and has never had any training regarding them. Officer Muller's PBA cards had his badge number on the front, and on the back, he printed the name of the person being issued the card and then wrote "PO Muller" in the line marked "Issued by." Officer Muller has never received any PBA cards without a badge number printed on the front. Officer Muller also stated that he never goes by the name "§ 87(2)(b)". When asked if he has heard of any specific problems with fraudulent PBA cards, Officer Muller initially stated he had not, but then he did later recall "having problems" with PBA cards with the name "Rick Miller." Officer Muller stated that a PBA card belonged to the officer it was issued to, "It's given to me; it's my property." However, Officer Muller did not say to Officer Nilan, "It's mine. Take it back," or anything of that nature.

Officer Nilan did not mention to Officer Muller if § 87(2)(b) had asked for her name and shield number.

Lieutenant Jason Lizio

On August 22, 2006, Lieutenant Jason Lizio was interviewed at the CCRB and provided the following statement (encl. 13a-b).

On July 5, 2006, Lieutenant Jason Lizio worked from 14:45 to 23:20 hours. Lieutenant Lizio was working alone in uniform, splitting his time between patrol and desk duties. He was assigned a patrol car but did not remember the RMP number. Lieutenant Lizio did not have any entries in his memo book regarding this incident.

At approximately 5:40 PM on July 5, 2006, Lieutenant Lizio was covering the desk office shift. He was not sure for whom he was covering, but that the officer was out on meal. He recalls covering the desk for approximately an hour and half when § 87(2)(b) came in saying she would like to make a civilian complaint against Officer Courtney Nilan for a summons she had issued. § 87(2)(b) did not mention to Lieutenant Lizio that her PBA card was seized. § 87(2)(b) did ask Lieutenant Lizio for his name and shield, and he told her his name and said, "You can look, but I don't have a shield number." Lieutenant Lizio then gave her a complaint form. § 87(2)(b) then asked to borrow his pen to make the complaint. Lt. Lizio told her he only had one pen and needed it to cover the desk and make command log entries. § 87(2)(b) then proceeded to leave the precinct.

Approximately 15 to 20 minutes later, § 87(2)(b) returned and proceeded to sit down and fill out the civilian complaint report. § 87(2)(b) then handed the forms to Lieutenant Lizio. Lieutenant Lizio believed he then called IAB. Lieutenant Lizio told § 87(2)(b) that if she wanted to wait around for the typewritten copy she could. He stated that it would take awhile. Lieutenant Lizio then told the stationhouse clerk to type up the form.

§ 87(2)(b) sat back down in the waiting area outside the desk. She then became unhappy, feeling like the typing up of the form was not being done fast enough. At that point, Lieutenant Lizio went back on patrol. Lieutenant Lizio did not see § 87(2)(b) speaking with any other officers. Also, he did not recall § 87(2)(b) making any phone calls. However, Lieutenant Lizio stated that because of the placement of the desk and depending on the seated position of the complainant, some areas were not visible from the desk. Lieutenant Lizio explained, "The desk is up pretty high in the precinct and there are chairs in the corners. The desk pretty much blocks your view of the chairs." Lieutenant Lizio noted he could tell someone was sitting in the chairs but was unaware of what the individual was doing. Lieutenant Lizio stated that there was a significant amount of officer traffic around the desk and the area where the civilians sat.

Lieutenant Lizio described the general civilian complaint process when a civilian arrives at the precinct. The first person with whom the civilian usually interacts is the desk officer, but it may be the telephone switchboard operator, depending on whose attention the civilian gets first. "Basically they come in, they are given all the options of how to make [the complaint] and then told they can make it in person and wait, online, by telephone, depending on what's more convenient to them, and we go from there." The complainant then fills out the form, and the desk officer reviews it. IAB is called and the complaint is given a log number. The form is then given to the stationhouse clerk to type. If the complainant is still present at that time, s/he receives a typewritten copy of the complaint. Lieutenant Lizio did not recall whom the T.S. operator was at the time of the incident.

Sergeant Michael Arenella

On January 24, 2007, Sergeant Michael Arenella appeared for his CCRB interview (encl. 15a-d). He provided the following statement.

On July 5, 2006, Sergeant Arenella worked in uniform as the desk officer at the 103rd Precinct from 1450 to 2347 hours. Sergeant Arenella had no entries in his memo book pertaining to this incident. Sergeant Arenella had no memories of the incident. Sergeant Arenella did not recognize § 87(2)(b)'s photo when it was presented to him by the CCRB, nor did he recall the incident when given some details provided by § 87(2)(b). Sergeant Arenella was shown his signature on § 87(2)(b)'s civilian complaint form, which indicated he "reviewed the paperwork and forwarded it" appropriately. Sergeant Arenella stated that his signature did not indicate he had any interaction with the complainant.

When shown the command log entry noting § 87(2)(b)'s visit to the precinct at 1930 hours, Sergeant Arenella stated, "This isn't my handwriting. [I'm] not sure [who it was], whoever relieved me for meal. They didn't sign out to the desk, I guess, when they relieved me ... I usually go to meal at six or seven o'clock." Sergeant Arenella explained the general procedure for anyone coming in to make a civilian complaint. "They can take a copy of the report, or bring it home, or call the precinct, or mail it in to the CCRB." Sergeant Arenella also explained the layout of the precinct. "There's a front door, right on the right is the T/S operator" and a gate with a security officer. "Over to the right past that would be the desk

area.” People coming in to make a complaint would likely have their first interaction with either the security officer or the T/S operator. People sitting and waiting or filling out forms would likely be at the “bench chairs” just inside of the precinct’s front doors or off to the left of the doors in the complaint room.

Sergeant Arenella did not remember how busy the stationhouse was that day. He did not recall hearing § 87(2)(b) ask any officer for their name or shield number. He did not hear any officer threaten to arrest § 87(2)(b). When questioned if § 87(2)(b) asked him to process her civilian complaint, Sergeant Arenella said, “I signed off on it, so at some point I must have processed this file.” Sergeant Arenella additionally did not hear § 87(2)(b) ask any other officer to process the civilian complaint for her.

Police Department Documents

Roll Call

The 103rd Precinct tour 2 roll call showed Officer Nilan and Officer Richardson as on duty (encl. 18a-j). The tour 3 roll call showed multiple individuals who may have been working at a precinct desk when § 87(2)(b) arrived, including Lieutenant Lizio (platoon commander), Sergeant Arenella (desk), SPA Lane (stationhouse clerk), PAA McCall (stationhouse clerk), and PAA Lassiter (T.S. operator).

Command Log

The command log showed Sergeant Arenella at the desk from 1510 through 1755 hours (encl. 19a-f). Lieutenant Lizio made an entry at 1825 hours and continued making entries until 2001 hours, though there was no note of him taking over the desk while Sergeant Arenella was at meal. Sergeant Arenella then returned to the desk and was there until 2259 hours. § 87(2)(b) reported she was at the precinct at 1800 hours, though it was not documented that she arrived until 1930 hours.

Civilian Complaint Report

§ 87(2)(b)'s complaint report noted that the time the complaint was reported was 2100 hours (encl. 8a). It listed Officer Courtney Nilan as the officer being complained of. The narrative details were as follows, “I pull into the Mobil gas station at 165-01 Hillside Ave where at this time, Officer Nilan also pulled behind me as I was existing my vehicle the officer said ‘Do not get out.’ She came up to my vehicle and said I was pulled over for talking on the cellphone and driving without a seatbelt. I asked for her name and badge number and she refuse. She then ask for my driver license which I gave her on handing her my driver license she notice I carry a PBA card which she ask for I then gave her the card also I was issue a summons for my passenger seatbelt. The officer then drove away with my driver license and PBA card. I then ask for my driver license existing my vehicle.”

Summons

Summons number § 87(2)(b) was issued to § 87(2)(b) at 1330 hours on July 5, 2006 (encl. 9a). It was at westbound Hillside Avenue at Merrick Boulevard and for § 87(2)(b). § 87(2)(b) stated that she pleaded not guilty to the offense and it was dismissed. § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian Conviction History

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian/Subject Officer CCRB History

§ 87(2)(b) previously filed a CCRB complaint § 87(2)(b). In his 9-year tenure with the NYPD, Lieutenant Lizio has never had any substantiated CCRB complaints.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) provided the name of Officer Nilan in her initial complaint to the CCRB and in her Civilian Complaint Report at the 103rd Precinct. Additionally, during her CCRB interview, Officer Nilan identified herself as the officer who dealt with § 87(2)(b) on the street. Officer Nilan also provided the name of

Officer Muller, the officer whom she called to ascertain if he had given the PBA card to § 87(2)(b) [REDACTED]. Officer Muller remembered Officer Nilan's call when he appeared for his CCRB interview. Police documents indicated that Officer Richardson was Officer Nilan's partner the day of the incident, and he confirmed this during his CCRB interview.

§ 87(2)(b) [REDACTED] spoke with the CCRB on six occasions related to the investigation. She called in the complaint twice on one evening, leaving incomplete information on the call processing system. § 87(2)(b) [REDACTED] then made two phone statements to the CCRB, when she first mentioned that she went to the 103rd Precinct and wanted to complain about an officer. She provided the name of Lieutenant Lizio at that point. § 87(2)(b) [REDACTED] did not recall the officer's name when she came in to make her sworn CCRB statement or view photos. Additionally, § 87(2)(b) [REDACTED] did not identify Lieutenant Lizio in the photo array. Instead, § 87(2)(b) [REDACTED] erroneously identified two filler photos as officers who spoke with her at the precinct. When Lieutenant Lizio was interviewed at the CCRB, he identified himself as the desk relief officer when § 87(2)(b) [REDACTED] arrived. The command log showed (encl. 19a-f) Sergeant Arenella was the officer assigned to the desk from 1450 to 2347 hours, though he did not remember § 87(2)(b) [REDACTED] or the incident when interviewed by the CCRB. The command log indicated that Lieutenant Lizio might have been at the desk from approximately 1755 to 2001 hours. From then Sergeant Arenella returned to the desk and was there until 2259 hours. § 87(2)(b) [REDACTED] reported she arrived at the precinct at 1800 hours, though her arrival was not documented until 1930 hours.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegations Not Pleaded

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Assessment of Evidence

§ 87(2)(g) [REDACTED]
[REDACTED]

When § 87(2)(b) [REDACTED] arrived at the 103rd Precinct to make a complaint against Officer Nilan, she alleged that she asked a plainclothes officer (PO5) for his name and badge number. § 87(2)(g) [REDACTED]
[REDACTED]

Additionally, both Officer Nilan and Lieutenant Lizio confirmed that § 87(2)(b) [REDACTED] had indeed asked them for their names and shield numbers. Both Officer Nilan and Lieutenant Lizio stated that they provided their information to § 87(2)(b) [REDACTED]. Officer Nilan said the information was on the summons (where her name was in fact legibly written). Lieutenant Lizio stated that he provided his name to § 87(2)(b) [REDACTED] and showed her that as a lieutenant he had no shield number. § 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(b) [REDACTED] also claimed that Officer Nilan and PO5 used the exact same phrase, "You don't need it," to refuse her requests for their names and shield numbers. § 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(b) [REDACTED] Lieutenant Lizio stated that § 87(2)(b) [REDACTED] had approached him to borrow a pen while he was at the desk. Lieutenant Lizio refused, saying he only had one pen and needed it to make command log entries. § 87(2)(g) [REDACTED]
[REDACTED]

The command log noted § 87(2)(b) [REDACTED] arriving at the precinct and then leaving with the complaint form. § 87(2)(b) [REDACTED] did not mention this in any of her statements to the CCRB.

§ 87(2)(b) [REDACTED] alleged that Lieutenant Lizio did not process her complaint against Officer Nilan. [REDACTED]

§ 87(2)(g) [REDACTED] § 87(2)(b) [REDACTED] was eventually given the typewritten form. § 87(2)(b) [REDACTED]

§ 87(2)(g)

§ 87(2)(b) expressed her discontent to PO5 § 87(2)(g) § 87(2)(b) stated that this officer did not take her complaint about Lieutenant Lizio and refused to give her his name and shield number.

§ 87(2)(g)

Allegation A) Abuse: Officer Courtney Nilan stopped the car in which § 87(2)(b) was an occupant.

Allegation B) Abuse: Officer Courtney Nilan refused to provide her name and shield number to § 87(2)(b)

Allegation C) Abuse: Officer Courtney Nilan seized § 87(2)(b) s property.

§ 87(2)(g)

Allegation D) Abuse: Lieutenant Jason Lizio did not process § 87(2)(b) s complaint regarding an officer.

§ 87(2)(b) complained that Lieutenant Lizio did not process her complaint against Officer Nilan.

However, § 87(2)(b) s complaint was processed, § 87(2)(g)

Allegation E) Abuse: An officer refused to provide his name and shield number to § 87(2)(b)

Allegation F) Abuse: An officer did not process § 87(2)(b) s complaint regarding an officer.

§ 87(2)(g)

Neither Lieutenant Lizio nor Sergeant Arenella identified any other officers as present while § 87(2)(b) was at the precinct. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: